

NEWS FROM ED MARKEY

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What People Are Saying About the “Offshoring” of Torture in the House 9/11 Recommendation Implementation Act of 2004...

The White House Says...

“The President did not propose and does not support this provision. He has made clear that the United States stands against and will not tolerate torture, and that the United States remains committed to complying with its obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Consistent with that treaty, the United States does not expel, return, or extradite individuals to other countries where the United States believes it is likely they will be tortured.” *Alberto R. Gonzales, Counsel to the President, October 1, 2004*

Human Rights Groups Say...

“Section 3032 of H.R. 10, the 9/11 Recommendation Implementation Act of 2004, would make it official U.S. policy to sent or return individuals to countries where they would be at grave risk of torture...it is completely inconsistent with decades of efforts by Republicans and Democrats alike to make America a world leader in the fight against torture and for human rights.”

“Section 3032 of H.R. 10 would violate that legal and moral obligation by permitting the U.S. government to turn over people to other countries even if it is *100 percent certain* they will be tortured.”

“Such incidents undermine the credibility of U.S. efforts to promote human rights and democracy in the Arab world, which President Bush has identified as a key element in the Administration’s long-term strategy to combat terrorism...a profound blow to America’s moral authority in pursuing a vital goal.”

William Schulz, Amnesty International USA; Douglas A. Johnson, The Center for Victims of Torture; Jennifer Windsor, Freedom House; Elisa Massimino, Human Rights First; Kenneth Roth, Human Rights Watch; Scott Horton, International League for Human Rights; Ralston H. Deffenbaugh Jr., Lutheran Immigration and Refugee Services; Robin Phillips, Minnesota Advocates for Human Rights; Lenonard Rubenstein, Physicians for Human Rights; Todd Howland, RFK Memorial Center for Human Rights; R. Timothy Ziemer, Rear Admiral USN (Ret), World Relief; September 30, 2004

Civil Liberty Groups Say...

The American Civil Liberties Union called the Hastert bill "the worst anti-immigration measure" in years, pointing to a section that could make it more difficult for victims of torture in their home countries to gain asylum in the United States.

"This bill is really an anti-immigrant wish list," said Timothy Edgar, legislative counsel for the A.C.L.U. "And we don't think any of these things should be included in a bill that's supposed to be about 9/11 intelligence reform."

American Civil Liberties Union, New York Times, September 29, 2004

Legal Experts Say...

“The American Bar Association objects strongly to the inclusion of provisions authorizing "extraordinary rendition" in the House leadership's bill that purports to implement the 9/11 Commission recommendations. These provisions would permit secretly transferring terrorist suspects to foreign countries known to use torture in interrogating prisoners. Extraordinary rendition not only violates all basic humanitarian and human rights standards, but violates U.S. treaty obligations which make clear that the U.S. government cannot avoid its obligations under international law by having other nations conduct unlawful interrogations in its stead. This practice not only violates our own cherished principles as a nation but also works to undermine our moral leadership in the eyes of the rest of the world.

Rejecting extraordinary rendition will demonstrate our respect for the rule of law and help protect American troops who may be detained by adversaries who may be disinclined to honor international obligations in light of the U.S. government's failure to honor its own.”

Robert J. Grey Jr., President of the American Bar Association, September 30, 2004

“Of grave concern is Section 3032, which removes those suspected terrorists from any protection against transfer to other countries known for their practice of torture. Indeed, there would be no protection against such transfer even if it was for the specific purpose of interrogation under torture.”

“HR10 would limit judicial review, reduce due process protections and generally enhance the power of the Executive Branch without the appropriate checks and balances that are at the heart of our government, our constitution and thus our way of life.”

“This proposal, which amounts to a tacit approval of torture, is particularly shocking in the aftermath of the recent revelations of torture by US personnel in Iraq, incidents which deeply damaged the international reputation of the United States.”

“The bill also generally makes CAT protection more difficult to obtain by all those who fear torture by requiring them to prove the likelihood of torture by ‘clear and convincing evidence.’ This is evidentiary standard that even the most deserving applicants are unable to meet.”

“...provisions fly in the face of the 9/11 Commission’s admonition that the ‘border and immigration system of the United States must remain a visible manifestation of our belief in freedom, democracy, global economic growth, and the rule of law, yet serve equally well as a vital element of counterterrorism.”

“If we do not rise to this challenge, legislation that is hastily passed into law today will render our immigration system even more dysfunctional, erode our democratic principles, and make us less secure tomorrow.”

The Association of the Bar of the City of New York, September 30, 2004

Religious Leaders Say...

“In our view, the legislation reaches far beyond the recommendations and content of the Commission’s report and contains several provisions which are extremely harmful to immigrants, asylum-seekers, and refugees to this country...Section 3032..would revise the standards for relief under the U.N. Convention Against Torture by requiring applicants to establish they are victims of torture by ‘clear and convincing’ evidence rather than ‘more likely than not.’ It would also apply retroactively and not be subject to judicial review. This would raise the likelihood that torture victims would be sent back to their torturers.”

United States Conference of Catholic Bishops, September 29, 2004